

Title 5, U.S.C. 30, 30a, 30b

30. Leaves of absence; annual leave; sick leave

3. Leave with pay generally

The President is without authority to issue an Executive order granting sick leave of absence generally to all employees in the Federal service. 1932) 37 Op. Atty. Gen. 17.

Annual leave is not a Congressional device to increase an employee's pay, but is granted to a Government employee in the nature of a refresher, to afford surcease from an employee's labors for the common weal and to enable him to come back with fresh zeal to carry on in his country's service. *Butler v. U. S.*, 1944, 101 Ct. Cl. 641.

Only an employee is entitled to annual leave, and after he ceases to be an employee of the Government his right to it ceases. *Id.*

4. Computation of leave -- Sunday and holidays as part of leave

As affecting employees embraced within the terms of section 26a of this title, providing a Saturday half holiday for certain Government employees, Saturday is to be counted as four hours rather than as a full day in computing annual leave under this section, but in computing sick leave Saturday is to be counted as a full day. 36 Op. Atty. Gen. 407; (1931) 36 Op. Atty. Gen. 444.

Court takes judicial notice that postal clerks are appointed by Postmaster General pursuant to departmental regulations. *Foshay v. U. S.* (D.C.N.Y. 1931) 54 F. (2d) 668.

30a. Same; reduction in time

After June 30, 1932, no civilian officer or employee of the Government who receives annual leave with pay shall be granted annual leave of absence with pay in excess of fifteen days in any one year, excluding Sundays and legal holidays: Provided, That the part unused in any year may be cumulative for any succeeding year: Provided further, That nothing herein shall apply to officers and employees of the Panama Canal and Panama Railroad Company on the Isthmus of Panama, or to officers and employees of the United States (including enlisted personnel) holding official station outside the continental United States or in Alaska: Provided further, That nothing herein shall be construed as affecting the period during which pay may be allowed under existing laws for so-called sick leave of absence: Provided further, That the so-called sick leave of absence, within the limits now authorized by law, shall be administered under such regulations as the President may prescribe so as to obtain, so far as practicable, uniformity in the various executive departments and independent establishments of the Government. (June 30, 1932, c. 314, 215, 47 Stat. 407; Mar. 20, 1933, c. 3, Title II, 4 (c), 48 Stat. 14.)

Sections 801 and 802 of Act June 30, 1932, cited to the text provided as follows:

"Sec. 801. If any provision of this Act, or the application thereof to any

person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"Sec. 802. All Acts and parts of Acts inconsistent or in conflict with those provisions of this Act which are of temporary duration are hereby suspended during the period in which such provisions of this Act are in effect. All Acts or parts of Acts inconsistent or in conflict with those provisions of this Act which are of permanent nature are hereby repealed to the extent of such inconsistency or conflict."

Cross References. Injuries received during hospital treatment, see section 501a of Title 38, Pensions, Bonuses, and Veterans' Relief.

Reduction of pension to veterans of Spanish-American War, Philippine Insurrection, and Boxer Rebellion, and their widows and children limited, see section 366 of Title 38, Pensions, Bonuses, and Veterans' Relief.

Restoration of compensation to 1933 level, see section 703b of Title 38, Pensions, Bonuses, and Veterans' Relief.

Spanish-American War Veterans as unaffected by section, see section 701 of Title 38, Pensions, Bonuses, and Veterans' Relief.

1. Validity

This section does not violate constitutional provision prohibiting taking of private property for public use without compensation. Field v. Oiegengack (1934) 73 F. (2d) 945, 61 App. D.C. 40.

2. In General

Leave of absence of government employee tentatively accrues by virtue of his service, but it is not earned, in sense that wage is earned, so as to become absolutely due and payable upon performance of work. Field v. Oiegengack (1934) 73 F. (2d) 945, 61 App. D.C. 40.

3. Authority of President

The last proviso of this section vests the President with authority, within the limits now authorized by law, to fix the maximum period for and to prescribe the conditions under which sick leave may be granted in the executive departments and independent establishments. (1933) 37 Op. Atty.Gen. 67.

The proposed sick leave regulations, referred to herein, are in keeping with the purpose of and constitute a valid exercise of authority by the President under the last proviso. Id.

30b. Same; annual leave; accumulation; temporary employees

With the exception of teachers and librarians of the public schools of the District of Columbia and officers and employees of the Panama Canal and Panama Railroad on the Isthmus of Panama, and except as provided in section 301 of this title, all civilian officers and employees of the United States wherever stationed and of the government of the District of Columbia, regardless of their tenure, in addition to any accrued leave,

shall be entitled to twenty-six days' annual leave with pay each calendar year, exclusive of Sundays and holidays: Provided, That the part unused in any year shall be accumulated for succeeding years until it totals not exceeding sixty days: Provided further, That during the national emergency declared by the President of the United States on September 8, 1939, the leave unused by the employees of the departments, independent establishments, and agencies, not in other form commuted or compensated, shall be accumulated for succeeding years until it totals not exceeding ninety days; and provided further, that when the unused leave accumulated equals or exceeds sixty days in the aggregate, not more than fifteen days of unused leave may be further accumulated in any one calendar year. Sections 29a, 30b-30e, and 30 l of this title shall not affect any sick leave to which employees are now or may hereafter be entitled. Temporary employees, except temporary employees engaged on construction work at hourly rates, shall be entitled to two and one-half days leave for each month of service. The annual leave herein authorized shall be granted at such times as the heads of the various departments and independent establishments may prescribe. Mar. 14, 1936, c. 140, § 1, 49 Stat. 1161, as amended Dec. 17, 1942, c. 737, 56 Stat. 1052.

Act Dec. 17, 1942, cited to text, added second and third provisos to first sentence.

Termination of war and emergencies. Joint Res. July 25, 1947, c. 327, § 3, 61 Stat. 449, provided that in the interpretation of Act Dec. 17, 1942, cited to text, which added second and third provisos to first sentence of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the National emergencies proclaimed by the President on Sept. 8, 1939, and May 27, 1941.

Effective Date. The last sentence of Act Mar. 14, 1936, cited to text, provided that the Act, which is set out as sections 29a, 30-b-30e, 30 l, and 31 a of this title, should become effective Jan. 1, 1936.

Cross References. Annual leave to include only work days exclusive of Sundays and holidays, see section 31b of this title.

Bureau of Engraving and Printing, leave of absence of employees in, see sections 172, 173 of Title 31, Money and Finance.

Exclusion of Post Office Department from provisions of this section, see section 30 l.

Exemption of certain corporations under supervision of Farm Credit Administration, see section 640 l (c) of Title 12.

Government Printing Office employees, leave of absence, see section 45 of Title 44, Public Printing and Documents.

Leaves of absence of employees of Department of Agriculture outside Washington, see section 534 of this title.

Navy yard employees, leave of absence of. see sections 511, 512 of Title 34, Navy.

Vacation pay in lieu of vacation for employees of Navy and Coast Guard during temporary emergency, see sections 1151-1161 of Appendix to Title 50, War and National Defense.

1. Nonwork days. This section authorizing annual leave for Government employees does not permit exclusion of nonwork days other than Sundays and holidays when computing such leave. 1938, 39 Op. Atty. Gen. 172.
2. Transfer between departments. An employee transferred from the U. S. Employees' Compensation Commission to the Department of Agriculture may be granted leave by the latter Department to commence simultaneously with the effective date of the transfer. 1931, 39 Op. Atty. Gen. 304.
3. Civilian employees. Law Clerks and secretaries to United States judges, as civilian employees of the United States, are included within provisions of this section and section 61b of this title so as to entitle secretary to federal judge to be paid for accumulated leave when separated from service. Cain v. U. S., D.C., Ill. 1948, 77 F. Supp. 505

Title 5, U.S.C. 70

70. Extra Allowances

Allowances of living quarters, including heat, fuel, and light, to employees having permanent stations in a foreign country notwithstanding provisions of this section, see section 118a of this title, section 197b (f) of Title 15, Commerce and Trade, and section 291 of Title 22, Foreign Relations and Intercourse.

Compensation of mail messengers and other postal employees employed in dual capacity, see section 136 of Title 39, Postal Service.

1. Operation, purpose and construction generally.

Even if recruiting officer made a definite promise to plaintiff at time of his enlistment as yeoman in United States Navy that he would be paid additional compensation if his legal qualifications were needed and used, plaintiff was not entitled to extra compensation for legal services in land title work for Navy while serving as enlisted yeoman, notwithstanding officers, agents and attorneys of office of Attorney General of United States and Secretary of Treasury knew that plaintiff was performing legal services. Ward v. U. S., D.C.Ark. 1946, 65 F. Supp. 9, affirmed 158 F.2d 199, certiorari denied 67 S.Ct. 1536, 331 U.S. 844, 91 L. Ed. 1864.

Promise of Extra Compensation

A promise by any agent, officer or employee of the United States cannot obligate the United States to pay extra salary, allowance or compensation to an enlisted yeoman for legal services. Ward v. U. S., D.C.Ark. 1946, 65 F.Supp. 9, affirmed 158 F.2d 199, certiorari denied 67 S.Ct. 1535, 331 U.S. 844, 91 L. Ed. 1864.

1a. Construction with other sections

This section and section 69 of this title prohibiting payment of extra allowances to any person whose pay is fixed by law precluded payment of extra compensation to plaintiff for legal services in land title work rendered while serving as yeoman in United States Navy. Ward v. U. S., D.C.Ark. 1947, 153 F. 2d 199, certiorari denied 67 S.Ct. 1535, 331 U.S. 844, 91 L.Ed. 1864.

2. Person included generally

Appropriation by territorial Legislature for additional salary to secretary to Governor held valid; "officer of the United States." Wickersham v. Smith (1927) 7 Alaska, 522.

11. - - Naval officers and agents

Special act, authorizing lease of naval lands to naval officer, held to show intent of Congress to make exception to this section. Baker v. U.S. (G.C.A. Porto Rico, 1928) 27 F.2d 863, certiorari denied 49 S.Ct. 185, 278 U.S. 656, 73 L.Ed. 565.

This section is unambiguous and precluded payment of extra compensation to plaintiff for legal services in land title work rendered while serving as yeoman in United States Navy, notwithstanding section 520 of Title 34 regarding ex-

penditure of public money on site purchased for navy yard or building. Ward v. U.S., D.C.Ark.1946, 65 F.Supp. 9 affirmed 158 F.2d 499, certiorari denied 67 S.Ct. 1555, 331 U.S. 844, 91 L.Ed. 1864.

12. Court reporters

The government was entitled to writ of mandamus to compel reporter of District Court for Hawaii to furnish transcript for appeal without charge, regardless of alleged agreement for additional compensation. U.S. v Metzger, C.C.A.Hawaii, 1943, 133 F.2d 82, certiorari denied 64 S.Ct. 41, 320 U.S. 741, 88 L.Ed. 439.

In absence of Congressional appropriation, the government had no authority to agree to pay reporter of District Court for Hawaii compensation in addition to salary for furnishing transcript for appeal. Id.

Furnishing transcript is "official service" and "ordinary duty" of the reporter of United States District Court for Hawaii and he is not entitled to claim compensation in excess of salary, regardless of a rule of the Court allowing additional fees. Id.

13. Traveling expenses.

The Administrator of the Puerto Rico Reconstruction Administration did not exceed his authority in contracting to pay travelling expenses of engineer to his first duty station in Puerto Rico from United States in addition to the maximum salary authorized by this section for such position, in view of provision of joint resolution, April 8, 1915, S. 3, 49 Stat, 115, and Ex. Ord. No. 7057, May 28, 1935 authorizing payment of "traveling expenses". U. S. v. Lauer, D.C.Pa. 1943, 50 F.Supp. 299.

Title 5, U.S.C. 654

654. Duties of Commission as to Official Register

The United States Civil Service Commission shall cause to be compiled, edited, indexed, and published each year an Official Register of the United States, which shall contain a full and complete list of all persons occupying administrative and supervisory positions in the legislative, executive, and judicial branches of the Government, including the District of Columbia, in connection with which salaries are paid from the Treasury of the United States. The register shall show the name; official title; salary, compensation, and emoluments; legal residence and place of employment for each person listed therein: Provided, however, That the Official Register shall not contain the name of any postmaster or assistant postmaster, or any officer of the Army, Navy, and Marine Corps, unless such officer is assigned as an administrative officer. To enable the United States Civil Service Commission to compile and publish the Official Register of the United States as early as practicable after the first of June of each year, the Executive Office, the legislative and judicial branches of the Government, the Commissioners of the District of Columbia, and the head of each executive department, independent office, establishment, and commission of the Government shall, as of the 1st day of May of each year, beginning with May 1, 1936, supply to the United States Civil Service Commission the data required by this section, upon forms approved and furnished by the Commission, in due time to permit the publication of the Official Register as herein provided; and no extra compensation shall be allowed to any officer, clerk, or employee of the United States Civil Service Commission for compiling the Official Register. (Aug. 28, 1935, c. 795, §§ 1, 2, 49 Stat. 956, 957.)

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Title 5, U.S.C. 947b

947b. Reports to Director of the Budget; contents; determination of necessary personnel; reports by Director to Congress; contents; definition.

(b) The heads of departments, and of independent establishments or agencies, in the executive branch, including Government-owned or controlled corporations, shall present to the Director of the Bureau of the Budget such information as the Director shall from time to time, but at least quarterly, require for the purpose of determining the numbers of full-time civilian employees (including full-time intermittent employees who are paid on a "when actually employed" basis, and full-time employees paid nominal compensation, such as \$1 a year or \$1 a month) and the man-months of part-time civilian employment (including part-time employment by intermittent employees who are paid on a "when actually employed" basis, and part-time employment by employees paid nominal compensation such as \$1 a year or \$1 a month) required within the United States for the proper and efficient performance of the authorized functions of their respective departments, establishments, and agencies. The Director shall, within sixty days after July 1, 1945, and from time to time, but at least quarterly, thereafter, determine the numbers of full-time employees and man-months of part-time employment, which in his opinion are required for such purposes, and any personnel or employment in such department, establishment, or agency in excess thereof shall be released or terminated at such times as the Director shall order. Such determinations, and any numbers of employees or man-months of employment paid in violation of the orders of the Director, shall be reported quarterly to the Congress. Each such report shall include a statement showing for each department, independent establishment, and agency the net increase or decrease in such employees and employment as compared with the corresponding data contained in the next preceding report, together with any suggestions the Director may have for legislation which would bring about economy and efficiency in the use of Government personnel. As used in this subsection the term "United States" shall include the Territories and possessions.

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Title 5, U. S. C. 150.

150. Establishment of health service programs; conditions, review by Public Health Service; definition.

For the purpose of promoting and maintaining the physical and mental fitness of employees of the Federal Government, the heads of departments and agencies, including Government-owned and controlled corporations are authorized, within the limits of appropriations made available therefor, to establish by contract or otherwise, health service programs which will provide health services for employees under their respective jurisdictions: Provided, That such health service programs shall be established only after consultation with the Public Health Service and consideration of its recommendations, and only in localities where there are a sufficient number of Federal employees to warrant the provision of such services, and shall be limited to (1) treatments of on-the-job illness and dental conditions requiring emergency attention; (2) preemployment and other examinations; (3) referral of employees to private physicians and dentists; and (4) preventive programs relating to health; Provided further, That the health program now being conducted by the Tennessee Valley Authority and by the Panama Canal and Panama Railroad Company shall not be affected by the provisions of this section: And provided further, That such health programs as are now being conducted for other Federal employees may be continued until June 30, 1947. The Public Health Service, when requested to do so, shall review the health service programs being conducted by any department or agency under authority of this section and shall submit appropriate comment and recommendations. Wherever the professional services of physicians are authorized to be utilized under this section, the definition of "physician" contained in section 790 of this title, shall be applicable. Aug. 8, 1946, c. 86, 60 Stat 903.

Congressional Comment: For legislative history and purpose of Act. Aug. 8, 1946, cited to text, see 1946 U.S.Code Cong. Service, p. 1144.



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Title 5, U.S.C. 73b

73b. Traveling expenses limited to lowest first-class rate.

Whenever by or under authority of law actual expenses for transportation may be allowed, such allowances shall not exceed the lowest first-class rate by the transportation facility used in such transportation unless it is certified, in accordance with regulations prescribed by the President, that lowest first-class accommodations are not available or that use of a compartment or such other accommodations as may be authorized or approved by the head of the agency concerned or such subordinates as he may designate, is required for purposes of security. Mar. 3, 1933, c. 212, Title II, § 10, 47 Stat. 1516, as amended Aug. 2, 1946, c. 744, § 6, 60 Stat. 808.

Act Aug. 2, 1946, cited to text, made section applicable to expenses of transportation rather than travel, and added provisions permitting greater allowance in certain instances.

Repeal. Insofar as the provisions of this section relating to subsistence may conflict with those of sections 821-823, and 827-833, of this title, they were repealed by section 829 of this title.

Cross references. Traveling expenses on inter-island steamships in Hawaii as limited to lowest first-class rate on trans-Pacific steamships, see section 73c of this title.

73b-1 Travel expenses of transferred employees; transportation of families, household goods and personal effects; employees excepted; reimbursement in lieu of payment; availability of funds.

(a) Under such regulations as the President may prescribe, any civilian officer or employee of the Government who, in the interest of the Government, is transferred from one official station to another, including transfer from one department to another, for permanent duty, shall, except as otherwise provided in this section, when authorized, in the order directing the travel, by such subordinate official or officials of the department concerned as the head thereof may designate for the purpose, be allowed and paid from Government funds the expenses of travel of himself and the expenses of transportation of his immediate family (or a commutation thereof in accordance with section 73 a of this title) and the expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of his household goods and personal effects (not to exceed seven thousand pounds if uncrated or eight thousand seven hundred and fifty pounds if crated or the equivalent thereof when transportation charges are based on cubic measurement): Provided, That advances of funds may be made to the officer or employee in accordance with said regulations under the same safeguards as are required under section 829 of this title: Provided further, That the allowances authorized in this section shall not be applicable to civilian employees of the Department of the Army and their dependents when transferred under the provisions of section 763 of Appendix to Title 50, nor to officers and employees of the Foreign Service, Department of State: Provided further, That no part of such expenses (including those of officers and employees of the Foreign Service, Department of State) shall be allowed or paid from Government funds where the transfer is made primarily for the convenience or benefit of the officer or employee or at his request. Provided further, That in case of transfer from one department to another department to which

the officer or employee is transferred.

(b) In lieu of the payment of actual expenses of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects, in the case of such transfers between points in continental United States, reimbursement shall be made to the officer or employee on a commuted basis (not to exceed the amount which would be allowable for the authorized weight allowance) at such rates per one hundred pounds as may be fixed by zones in regulations prescribed by the President.

(c) Funds available for travel expenses of civilian officers and employees shall also be available for the expenses of the transportation of their immediate families, and funds available for the transportation of household goods and effects, as authorized by this section. Aug. 2, 1946, things shall also be available for the transportation of household goods and effects, as authorized by this section. Aug. 2, 1946, c. 744, § 1, 60 Stat. 806, amended July 26, 1947, c. 343, Title II, Sec. 205 (a), 61 Stat. 501.

Effective date. Section 20 of Act Aug 2, 1946, cited to text, provided that this section shall become effective on the first day of the third calendar month following its enactment.

Change of name. The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of Act July 26, 1947, cited to text.

Validation of payments made by disbursing officers prior to May 12, 1948. Act May 12, 1948, c. 264, 62 Stat. 231, provided: That payments heretofore made by disbursing officers covering the cost of shipment of household effects of civilian employees of the Government of the United States made under orders directing permanent change of station of said employees where such shipments were made from the last permanent-duty station of said employees or from some other place, to some place other than the new permanent-duty station of such employees, are hereby validated, if otherwise proper, and such employees shall be relieved of indebtedness to the United States on account of such shipments to the extent that such payments do not exceed the cost which would have been properly borne by the United States for such shipments under laws and regulations in effect at the time of such shipments, had such shipments been made from the old to the new permanent-duty station of such employees: Provided, That in any case where a civilian employee has made refundment to the United States on account of payments herein validated, reimbursement of the amount so refunded is hereby authorized to be made to such employee on the presentation of a claim therefor to the General Accounting Office: Provided further, That employees who paid the carriers the amount due covering the shipment of their household effects shall be entitled to reimbursement of so much of the amount expended, if otherwise proper, as does not exceed the cost of such shipment from the old to the new permanent-duty station upon presentation of a claim therefor to the General Accounting Office: And provided further, That amounts due deceased persons or persons determined to be mentally incompetent shall be paid to the extent herein provided upon presentation of a claim therefor to the General Accounting Office by their heirs or personal representatives.

"Sec. 2. The Comptroller General of the United States is authorized and directed to allow credit in the settlement of accounts of disbursing officers of the Government of the United States covering payments for the shipment of household effects of civilian employees which are, and to the extent that such payments are, validated by section 1 hereof.

"Sec. 3. Such appropriations as may be required for the settlement of claims under the provisions of this Act are hereby authorized."

War and Navy Departments and Coast Guard personnel. Act Feb. 21, 1942, c 107, 56 Stat. 97, which made appropriations for travel expenses of civilian officers and employees of the War and Navy Department and the Coast Guard also available for travel expenses on transfer from one official station to another during World War II and six months thereafter, was repealed by Act Aug. 2, 1946, c. 744, § 2, 60 Stat. 807, eff. Nov. 1, 1946, and Joint Res. July. 25, 1947, c. 327, § 1, 61 Stat. 449.

Cross References. Funds available for transportation of baggage also available for packing, crating, and unpacking such baggage during war, see section 765 of Appendix to Title 50, War and National Defense.

Persons exempted from application of this section, see note under section 73a of this title.

War, household and personal effects of civilian employees appointed and transferred to foreign service, evacuation of dependents for military reasons, see section 763 of Appendix to Title 50, War and National Defense.

1. Packing, crating and drayage.

Under former section 73c-1 of this title recovery cannot be had for the expense of "packing, crating and drayage" unless and until such household goods are actually "transported" to the new official station. *Lobingier v. U. S.*, 1943. 100 Ct.Cl. 448.

73b-2. Travel expenses of consultants or experts; transportation of persons serving without compensation.

Persons in the Government service employed intermittently as consultants or experts and receiving compensation on a per diem when actually employed basis may be allowed travel expenses while away from their homes or regular places of business, including per diem in lieu of subsistence while at place of such employment, in accordance with the Standardized Government Travel Regulations, sections 73a, 821-823 and 827-833 of this title, and persons serving without compensation or at \$1 per annum may be allowed, while away from their homes or regular places of business, transportation in accordance with said regulations and section 73a of this title, and not to exceed \$10 per diem in lieu of subsistence en route and at place of such service or employment unless a higher rate is specifically provided in an appropriation or other Act. Aug. 2, 1946, c. 744, § 5, 60 Stat. 808.

Persons exempted from application of this section, see note under section 73a of this title.

Temporary employment of experts and consultants, see section 55a of

73b-3 Travel expenses of new appointees; transportation of families, household goods and personal effects

Appropriations for the departments shall be available, in accordance with regulations prescribed by the President, for expenses of travel of new appointees, expenses of transportation of their immediate families and expenses of transportation of their household goods and personal effects from places of actual residence at time of appointment to places of employment outside continental United States, and for such expenses on return of employees from their post of duty outside continental United States to the places of their actual residence at time of assignment to duty outside the United States: Provided: That such expenses shall not be allowed new appointees unless and until the person selected for appointment shall agree in writing to remain in the Government service for the twelve months following his appointment, unless separated for reasons beyond his control. In case of a violation of such agreement any moneys expended by the United States on account of such travel and transportation shall be considered as a debt due by the individual concerned to the United States. This section shall not apply to appropriations for the Foreign Service, State Department. Aug. 2, 1946, c. 744, § 7, 60 Stat. 808.

Persons exempted from application of this section, see note under section 73a of this title.

73b-4 Definitions

The word "department" as used in sections 22a, 55a, 73a, 73b to 73b-3, 77, 78, 95a, 116a, 118d - 1, and 118h of this title, section 529 of Title 31, and section 5 of Title 41 shall be construed to include independent establishments, other agencies, wholly owned Government corporations (the transactions of which corporations shall be subject to the authorizations and limitations of said sections, except that section 5 of Title 41 shall apply to their administrative transactions only), and the government of the District of Columbia, but shall not include the Senate, House of Representatives, or office of the Architect of the Capitol, or the officers or employees thereof. The words "continental United States" as used in sections 73b-1 and 73b-3 of this title shall be construed to mean the forty-eight States and the District of Columbia. The word "Government" shall be construed to include the government of the District of Columbia. The word "appropriation" shall be construed as including funds made available by legislation under section 849 of Title 31. Aug. 2, 1946, c. 744, § 18, 60 Stat. 811.

✓ (Title 6, U.S.C. 14)

14. Rate of premium on bond; premium not to be paid by United States.

Until otherwise provided by law no bond shall be accepted from any surety or bonding company for any officer or employee of the United States which shall cost more than 38 per centum in excess of the rate of premium charged for a like bond during the calendar year 1908. The United States shall not pay any part of the premium or other cost of furnishing a bond required by law or otherwise of any officer or employee of the United States. July 30, 1947, c. 390 / 1. 61 Stat. 846.

Federal Rules of Civil Procedure

Judgment against surety, see Rules of Civil Procedure, Rule 73, Title 28 U.S.C.A.

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(28 U.S.C. Sec. 921)

921. Settlement of claims of \$1,000 or less; conclusiveness; appropriations

Repealed by Act June 25, 1948, c. 546 / 59, 62 Stat. 992, eff. Sept. 1, 1948. See section 2672 of new Title 28, Judiciary and Judicial Procedure.

Section 921 was derived from Act Aug. 2, 1946, c. 753, Title IV, / 403, 60 Stat. 843.

1. Construction with other laws

Claims not coming within section 584c of Title 16 and this section because not "caused by the negligence of any enrollee or employee of the Corps" may be considered under the act of Dec. 28, 1922, or other applicable statute by the head of the Department in which the individual responsible for the damage is employed. 1937, Op. Atty. Gen. 102

Section 584c of Title 16 and this section "may well subsist together," the latter superseding the former only to the extent of its application, in the adjustment of claims growing out of the negligence of an enrollee or employee. 1937, 39 Op. Atty. Gen. 102.

2. Municipal claims

Secretary of Interior is authorized to consider under this section, a claim of the City of Cleveland, Ohio, of \$69.41, for damage to fire hydrant resulting from its being struck by truck operated by an enrollee of Civilian Conservation Corps. 1936, 38 Op. Atty. Gen. 514.

3. Deprivation of use

This section comprehends deprivations of use where the party deprived has sustained legally provable damages on that account. 1937, 39 Op. Atty. Gen. 122

4. Reimbursement from government employee

The Secretary of Agriculture is without authority to require an employee to reimburse the Government for a payment made in settlement of a claim for property damage resulting from the employee's negligence. 1941, 40 Op. Atty. Gen. ---, March 25.

The Congress has by general legislation progressively assumed liability to persons sustaining injuries through negligence of officers and employees of the Government and in doing so has not made provision for the assertion of claims by the Government against the officers and employees causing the damage. 1941, 40 Op. Atty. Gen. ---, March 25.

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5. Delegation of power.

Under subsection (a) of this section the head of a Federal agency may delegate to more than one subordinate official of the agency authority "to consider, ascertain, adjust, determine, and settle" claims. 1947, 40 Op. Atty.Gen. January 17.

6. Claims over \$1,000

This chapter does not repeal or otherwise affect the authority of the Inland Waterways Corporation to adjust administratively tort claims in amounts exceeding \$1,000. 1947, 40 Op. Atty.Gen. May 26

✓ (40 U.S.C. 259 & 267 (36 Stat. 699)

259. Payment for sites; limit of cost

No money shall be paid nor contracts made for payment for any site for a public building in excess of the amount specifically appropriated therefor. R.S. / 3754; June 25, 1910, c. 583, / 35, 36 Stat. 699

267. Restrictions on buildings; approval of sketch plans; changes; limit of cost

No money shall be expended upon any public building until after sketch plans showing the tentative design and arrangement of such building, together with outline description and detailed estimates of the cost thereof shall have been made by the Public Buildings Administration (except when otherwise authorized by law) and said sketch plans and estimates shall have been approved by the Federal Works Administrator and the head of each executive department who will have officials located in such building; but such approval shall not prevent subsequent changes in the design, arrangement, materials, or methods of construction or cost which may be found necessary or advantageous: Provided, That no such changes shall be made involving an expense in excess of the limit of cost fixed or extended by Congress, and all appropriations made for the construction of such building shall be expended within the limit of cost so fixed or extended. R.S. / 3734; June 25, 1910, c. 503 / 33, 36 Stat. 699; Ex.Ord.No. 6166 / 1, June 10, 1933; Reorg. Plan No. 1 / 301, 306, eff. July 1, 1939, 4 P.R. 2729, 53 Stat. 1426, 1427.

267a. Reduction of limit of cost of public buildings and improvements.



TITLE IX--ALLOWANCES AND BENEFITS

Part A--Allowances and Special Allotments

Quarters, Cost of Living, and Representation Allowances

Sec. 901. In accordance with such regulations as the President may prescribe and notwithstanding the provisions of section 1765 of the Revised Statutes (5 U.S.C. 70), the Secretary is authorized to grant to any officer or employee of the Service who is a citizen of the United States--

(1) allowances, wherever Government owned or rented quarters are not available, for living quarters, heat, light, fuel, gas and electricity, including allowances for the cost of lodging at temporary quarters, incurred by an officer or employee of the Service and the members of his family upon first arrival at a new post, for a period not in excess of three months after such first arrival or until the occupation of residence quarters, whichever period shall be shorter, up to but not in excess of the aggregate amount of the per diem that would be allowable to such officer or employee for himself and the members of his family for such period if they were in travel status;

(2) cost-of-living allowances, whenever the Secretary shall determine--

(i) that the cost of living at a post abroad is proportionately so high that an allowance is necessary to enable an officer or employee of the Service at such post to carry on his work efficiently;

(ii) that extraordinary and necessary expenses, not otherwise compensated for, are incurred by an officer or employee of the Service incident to the establishment of his residence at his post of assignment;

(iii) that an allowance is necessary to assist an officer or employee of the Service who is compelled by reason of dangerous, notably unhealthful, or excessively adverse living conditions at his post abroad or for the convenience of the Government to meet the additional expense of maintaining his wife and minor children elsewhere than in the country of his assignment;



✓ (Sec. 278a, U.S.C. 40)

278a. Lease of buildings to Government; maximum rental

After June 30, 1932, no appropriation shall be obligated or expended for the rent of any building or part of a building to be occupied for Government purposes at a rental in excess of the per annum rate of 15 per centum of the fair market value of the rented premises at date of the lease under which the premises are to be occupied by the Government nor for alterations, improvements, and repairs of the rented premises in excess of 25 per centum of the amount of the rent for the first year of the rental term, or for the rental term if less than one year: Provided, That the provisions of this section shall not apply to leases made prior to June 30, 1932, except when renewals thereof are made after such date, nor to leases of premises in foreign countries for the foreign services of the United States: Provided further, That the provisions of this section as applicable to rentals, shall apply only where the rental to be paid shall exceed \$2,000 per annum. June 30, 1932, c. 314, / 322, 47 Stat. 412; Mar. 3, 1933, c. 212, Title II, / 15, 47 Stat. 1517.

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✓ (Sec. 3651 Rev. Stat. (31 USC 643))

643. Exchange of funds restricted. No exchange of funds shall be made by any disbursing officer or agent of the Government, of any grade or denomination whatsoever, or connected with any branch of the public service, other than an exchange for gold, silver, United States notes, and national-bank notes; and every such disbursing officer, when the means for his disbursements are furnished to him in gold, silver, United States notes, or national-bank notes, shall make his payments in the moneys so furnished; or when they are furnished to him in drafts, shall cause these drafts to be presented at their place of payment, and properly paid according to law, and shall make his payments in the money so received for the drafts furnished, unless, in either case, he can exchange the means in his hands for gold and silver at par. And it shall be the duty of the head of the proper department immediately to suspend from duty any disbursing officer or agent who violates the provisions of this section, and forthwith to report the name of the officer or agent to the President, with the fact of the violation, and all the circumstances accompanying the same, and within the knowledge of the Secretary, to the end that such officer or agent may be promptly removed from office, or restored to his trust and the performance of his duties, as the President may deem just and proper.

(pocket edition)

645. Exchange of funds restricted

Repeal of laws inconsistent with sections 315b, 403a, 403b, 441-446, 821, and 822a of this title, see section 446 of this title.

Function of disbursement of moneys of the United States exercised by any agency has been transferred to the Division of Disbursement, which division was consolidated into the Fiscal Service of the Treasury Department. See Ex. Ord. No. 6165 / 4, and Reorg. Plan No. III / 1(a) (1), eff. June 30, 1940, 5 Fed. Reg. 2107, 54 Stat. 1231, set out as notes under sections 132 and 133t, respectively, of Title 5. Executive Departments and Government Officers and Employees.

This section, which was derived from act June 3, 1864, c. 100, 13 Stat. 99, is part of the National Bank Act. See section 38 of Title 12, Banks and Banking.

Traveler's checks in national parks or national monuments, see section 17d of Title 16, Conservation.

Withdrawal of gold coins from circulation, see section 315b of this title.

Acceptance of government checks by naval stores located abroad, see section 562 of Title 34, Navy.

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